

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 13-19 and 21-26 are pending in this case. Claims 13-19, and 21-24 are amended, Claim 20 is cancelled, and Claims 25 and 26 are added by the present amendment. The changes to Claims 13 and 24 are supported in the originally filed disclosure at least at page 6, line 28, to page 7, line 6, the changes to Claims 14-19 and 21-24 are for clarity only, and new Claims 25 and 26 are supported in the originally filed disclosure at least at Claim 13 and at page 6, line 28 to page 7, line 6. Thus, no new matter is added.

In the outstanding Office Action, Claim 17 was rejected under 35 U.S.C. § 112, second paragraph, Claims 13-19, 23 and 24 were rejected under 35 U.S.C. § 102(e) as anticipated by Janssen (U.S. Pub. No. 2003/0223044 A1), and Claims 20-22 were rejected under 35 U.S.C. § 103(a) as unpatentable over Janssen in view of O'Connor, et al. (U.S. Pub. No. 2004/0145703 A1, herein "O'Connor").

In light of the amendment to Claim 17, Applicants respectfully request that the rejection of Claim 17, under 35 U.S.C. § 112, second paragraph, be withdrawn.

Applicants respectfully traverse the rejections of Claims 13-19 and 21-24 under 35 U.S.C. §§ 102 and 103.

Amended Claim 13 recites, *inter alia*, "the image generation element arrangement comprising an electronic switchable color filter that is configured to generate at least one first spectral component of incident light, to avoid transmission of a complementary spectral range of the at least one first spectral component, and to controllably switch a wavelength of the at least one first spectral component."

With regard to original Claim 20, which is incorporated in amended Claim 13, the outstanding Office Action asserted O'Connor as teaching the above-quoted features.

Specifically, at page 8, the outstanding Office Action concedes that Janssen fails to teach a color switching element but asserts that O'Connor teaches the features at the color switch 16 of O'Connor.

However, the color switch 16 of O'Connor is a static device which always phase retards red and blue light and reflects green light. Thus, the color switch 16 of O'Connor does not teach or suggest “an **electronic switchable** color filter,” as defined by Claim 13. Specifically, the electronic switchable color filter of Claim 13 is defined by Claim 13 to “**controllably switch** a wavelength of the at least one first spectral component.” In contrast, the color switch 16 of O'Connor is static and does not switch among wavelengths of light being phase retarded and reflected.

Thus, because Janssen and O'Connor, even in combination, fail to teach or suggest every feature of Claim 13, Applicants respectfully request that the rejections under 35 U.S.C. §§ 102 and 103 of Claim 13 and Claims 14-19 and 21-23, which depend therefrom, be withdrawn.

Claim 24, although varying in scope from Claim 13, patentably defines over Janssen and O'Connor for reasons similar to those discussed above with respect to Claim 13. Thus, Applicants respectfully request that the rejection of Claim 24, under 35 U.S.C. § 102(e), be withdrawn.

New Claim 25 depends from Claim 13 and, therefore, patentably defines over Janssen and O'Connor for at least the same reasons as Claim 13. Further, new Claim 25 defines additional features of the electronic switchable color filter.

New independent Claim 26 recites, *inter alia*, “a color switching element that is configured to transmit a first color so as to have a turned polarization state and is further configured to transmit light having a color different from the first color in an unchanged polarization state.”

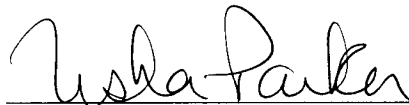
However, as discussed above, Janssen is silent as to any color switching element. Further, any light passed by the static color switch 16 of O'Connor is passed with a 45° phase retardation. That is, O'Connor describes that all colors that are passed (i.e., red and blue) are passed with a changed polarization state (i.e., a 45° phase retardation). Thus, O'Connor does not teach or suggest “a color switching element that is . . . further configured to pass light having a color different from the first color in an **unchanged polarization** state,” as recited by Claim 26, because the color switch 16 of O'Connor does not pass any light having an unchanged polarization state.

Thus, it is respectfully submitted that Claim 26 is patentable over Janssen and O'Connor.

Accordingly, the outstanding rejections are traversed and the pending claims are believed to be in condition for formal allowance. An early and favorable action to that effect is, therefore, respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, L.L.P.



Bradley D. Lytle  
Attorney of Record  
Registration No. 40,073

Customer Number

**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 07/09)

Usha Munukutla-Parker  
Registration No. 61,939